

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANDREW TORO, on behalf of herself and all  
others similarly situated,

Plaintiff,

Case 1:22-cv-7643-PGG-SDA

-against-

**PROPOSED DEFAULT JUDGMENT**

SILVER AND PEWTER GIFTS, LLC

Defendant,

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This action having been commenced on September 8, 2022, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on Defendant, on October 24, 2022, and a proof of service having been filed on November 1, 2022, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is:

**ORDERED, ADJUDGED AND DECREED:**

a. A preliminary and permanent injunction to prohibit Defendant from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, and the laws of New York, is hereby granted as follows:

A preliminary and permanent injunction requiring Defendant to take all the steps necessary to make its Website into full compliance with the

requirements set forth in the ADA, and its implementing regulations, so that

the Website is readily accessible to and usable by blind individuals;

- b. A declaration that Defendant owns, maintains and/or operates its

Website in a manner that discriminates against the blind and which fails to provide

access for persons with disabilities as required by Americans with Disabilities Act,

42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative

Code § 8-107, *et seq.*, and the laws of New York;

- c. An order certifying the Class and Sub-Classes under Fed. R. Civ. P.

b)(2) and/or (b)(3), appointing Plaintiff as Class Representative, and her attorneys as Class Counsel;

- d. Compensatory damages in the amount of \$1,000 including all applicable statutory and punitive damages and fines, to Plaintiff and the proposed class and subclasses for violations of their civil rights under New York State Human Rights Law and City Law;

- e. Pre and post-judgment interest;

f. An award of costs and expenses of this action together with reasonable attorneys' and expert fees;

g. A hearing to be held in the courthouse to determine the specific amount of damages, civil penalties, and reasonable attorney fees; and

h. Such other and further relief as this Court may deem just, proper and equitable.

Dated: New York, New York

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Hon. Paul G. Gardephe  
United States District Judge